

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR NO. 2:05cr213-LSC
)	WO
JERRY WAYNE CULVER)	

ORDER ON MOTION

Upon consideration of correspondence from Warden Stephen Dewalt dated February 13, 2006, which the court construes as a motion to continue the deadline for filing the psychiatric evaluation for defendant, and for good cause, it is

ORDERED that the motion be and hereby is GRANTED. The psychiatric report shall be filed on or before May 1, 2006. The Clerk of Court is DIRECTED to docket the correspondence as a motion.

It is further ORDERED that the trial of this case is CONTINUED generally until the case can be reset after the psychiatric evaluation is complete. While the granting of a continuance is left to the sound discretion of the trial judge, United States v. Warren, 772 F.2d 827, 838 (11th Cir. 1985), the court is, of course, limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Speedy Trial Act provides generally that the trial of a defendant in a criminal case shall commence within 70 days of the latter of the filing date of the indictment or the date the defendant appeared before a judicial officer in such

matter. 18 U.S.C. § 3161(c)(1). See United States v. Vasser, 916 F.2d 624 (11th Cir. 1990).

The Act excludes from this 70 day period any continuance that the judge grants "on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A). The court concludes upon the pleadings and its knowledge of this case that the ends of justice will be served by continuing this case so that defendant's psychiatric evaluation may be completed.

DONE, this 6th day of March, 2006.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE